REMARKS

I.   Introduction

In response to the Office Action dated April 3, 2008, claims 1-5, 7-11, 13-21, 23-60, 62-66, 68-76, and 78-109 have been canceled, and claims 110-127 have been added. Claims 110-127 remain in the application. Re-examination and re-consideration of the application, as amended, are respectfully requested.

II.   Prior Art Rejections

Claims 1-5, 7-11, 13-21, 23-60, 62-66, 68-76, and 78-109 were rejected under various combinations of Vallone, Liebenow, Ranta, Browne, Wood, Moseley, Lewis, Gudesen, Halford, and Hassell.

The claims have been canceled, and new claims 110-127 are presented for examination. The rejections are discussed herein with respect to new claims 110-127.

The Vallone Reference

The Office Action admits that the Vallone reference is silent on tracking a list of recorded programs for duplicates when a record operation is initiated, and activating a user-identified preference to selectively erase the current recording of a program that is identified as duplicate. See Office Action, page 3, paragraph 3, third paragraph.

Applicants agree with this portion of the characterization of the Vallone reference.

The Liebenow Reference

The Office Action admits that Liebenow only discloses the step of tracking a list of recorded programs for duplicates when the new recording is of higher quality than the previous recording. See Office Action, page 3, last paragraph, and Liebenow, Col. 5, lines 26-46.

Applicants agree that Liebenow teaches only replacing a lower quality recording with a better quality recording, and that Liebenow does not teach erasing of recordings.

The Ranta and Browne References

The Office Action relies on Ranta to teach the step of replacing a lower quality instance of the data with a higher quality instance of the data (see Ranta, paragraph [0050]). Previously, the Office Action relied on Browne to teach this portion of the claims.

The Claims are Patentable over the Cited References

The claims of the present invention describe methods and apparatuses for processing available content. A method in accordance with the present invention comprises receiving the available content using one or more tuners, and performing a plurality of operations on the available content received from the one or more tuners, the plurality of operations including selecting at least one recorded event from the available content based on thumbnail, preview, or snippet, tracking a list of recorded programs for duplicates when a record operation is initiated, and activating a user-identified preference to selectively erase the current recording of a program that is identified as duplicate.

The cited references do not disclose the limitations of the present invention. Specifically, the cited references do not disclose at least the limitations of activating a user-identified preference to selectively erase the current recording of a program that is identified as duplicate as described in the claims of the present invention.

The References Teach Automatic Replacement of the Older Content, Not User-Controlled Replacement of the Currently Recorded Content as Recited in the Claims

The cited references all refer to automatic content replacement under certain conditions, none of which are controllable by the user. Further, the references teach that the content that is replaced is the previously recorded content, not the content that is currently being recorded, as described in the claims.

The only references relied upon by the Office Action to teach tracking for duplicate recordings and erasing the lower quality recording are Browne and Ranta. The Browne reference has been abandoned by the current Office Action in favor of Ranta as teaching this limitation in the claims. Regardless, Browne merely describes a preference menu allowing the user to delete the oldest recorded program (Browne, FIG. 3, block 301). Nothing in Browne teaches or suggests erasing a program that is identified as a duplicate.

Ranta describes, in paragraph [0050] as relied upon by the Office Action, that a determination is made as to whether the quality grade of the current data word is greater (i.e., better) than the quality grade of the previously stored data word. If not, the method goes to the next sequence code (step 500). If so, then the current data word replaces the previous data word (step 516) and then the next sequence code is read (step 500).

First, there is no user intervention allowed in Ranta. Ranta teaches that if the current data word meets a criteria (i.e., higher quality), the system automatically replaces the previous data word. If the condition is not met in Ranta, the current data word is automatically ignored. Second, Ranta teaches that the previous data word is removed from memory, not the current data word. Third, Ranta teaches that the current data word overwrites the previous data word, not that the previous data word is erased.

The differences between overwriting and erasure are evident when the Ranta reference with the "higher-quality" and "lower-quality" data are contextually described. With a higher-quality recording, e.g., High Definition (HD) video versus Standard Definition (SD) video, the higher quality recording cannot always be overwritten on the previously recorded lower-quality data, because the data files have different content. For example, a HD version of a program could not be overwritten on a SD version of the same program, since the HD version comprises a larger amount of data than the SD version, and would not fit into the same disk space as the SD version. Overwriting in such instances could lead to difficulty in playback of the recorded program. Further, overwriting that is interrupted leads to corrupted data files on both the previous data file and the new data file, leading to both data files being unusable.

Since the present invention allows for user intervention, removes the current data from memory rather than previously recorded data, and that the current data is erased instead of overwritten, the Ranta reference cannot teach nor suggest these limitations of the claims.

As such, neither of the references relied upon in the Office Actions teach the claimed invention. The Office Action admits that Vallone and Liebenow are silent on these limitations, and none of the other ancillary references, i.e., Wood, Moseley, Lewis, Gudesen, Halford and Hassell, remedy the deficiencies of Vallone, Liebenow, Browne, and Ranta. Specifically, none of the references teach nor suggest at least the limitations of activating a user-identified preference to selectively erase the current recording of a program that is identified as duplicate as recited in the claims of the present invention.

The Office Action takes official notice that notifications of certain events were common. Applicant traverses the official notice in the respect that notifications such as "recording took place" or "recording did not take place" are the same as allowing the user to selectively intervene with the event during the event itself (i.e., recording the current content when there is a duplicate recording already present). Mere notification of the act does not suggest user initiated selective action; instead, notification only suggests that the user has been informed of an event that has already occurred, without any possibility for user intervention in the event or any user overriding of the event taking place.

The amendments presented herein are supported by the specification as filed in at least in paragraphs [0133]-[0135].

III.   Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

Todd N. Snyder, Registration No.: 41,320
Attorney for Applicants

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The DIRECTV Group, Inc.
CA / LA1 / A109
2230 E. Imperial Highway
El Segundo, CA 90245

Telephone: 310-964-0560